

required by 35 U.S.C. 119(b)" (page 2, Paper No. 0305). The Applicants respectfully disagree. A certified copy of JP 2002-362352 was submitted when the application was filed on December 12, 2003, as evidenced by the attached copies of the date stamped receipt cards, Utility Patent Application Transmittal and first two pages of the priority document. Also, the Applicants note that a complete copy of the priority document appears in IFW under the following citation:

12/12/2003	Foreign Priority Papers Filed	PROSECUTION	53
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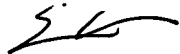
Therefore, the Applicants respectfully submit that copies of the priority documents have been received by the Patent Office and request that the Examiner correct the priority information in the records of the present application including any electronic records and a correction of the foreign priority indication on the Office Action Summary at Box 12(a)(1).

In response to a request in paragraph 6 of the Official Action, the Applicants will correct any errors in the specification of which the Applicants become aware.

Paragraph 7 of the Official Action rejects claims 1, 3, 5-8, 17 and 18 as obvious based on U.S. Patent Publication No. 2004/0004434 to Nishi et al. However, Nishi, as a commonly owned application under § 102(e), may not be considered for a rejection under § 103. Subject matter developed by another, which qualifies as prior art only under one or more of subsections 35 U.S.C. §§ 102(e), (f) and (g), is not to be considered when determining whether an invention sought to be patented is obvious under 35 U.S.C. § 103, provided the subject matter and the claimed invention were commonly owned at the time the invention was made. See MPEP § 2146. Since the disclosure by Nishi and the claimed invention of the present application were, at the time the invention was made, subject to an obligation of assignment to Semiconductor Energy Laboratory Co., Ltd., Nishi may not be considered for a rejection under § 103. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



Eric J. Robinson
Reg. No. 38,285

Robinson Intellectual Property Law Office, P.C.
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Potomac Falls, Virginia 20165
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This will acknowledge receipt of the following:

In re NEW Utility Patent Application of: Junya MARUYAMA et al.

Based on Japanese Application No. 2002-362352 filed December 13, 2002

For: MANUFACTURING METHOD OF LIGHT EMITTING DEVICE AND MANUFACTURING
DEVICE THEREOF

Utility Application Transmittal including:

Fee Transmittal

Application Data Sheet

41 pages of specification, claims and abstract

15 sheets of Formal Drawings (Figures 1-15)

Certified copy of Japanese Priority Document No. 2002-362352

Original executed Declaration

Assignment and Assignment Recordation Coversheet

Information Disclosure Statement

PTO Form 1449 with copies of cited references

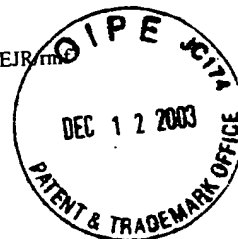
Check No. 2651 in the amount of \$1,068.00 (\$770 - filing fee; \$40 - assignment fee;

\$258 - additional claims)

Docket: 0756-7228

December 12, 2003

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12/22/03

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PTO/SB/05 (03-01)

PATENT APPLICATION TRANSMITTAL (Only for new nonprovisional applications under 37 CFR 1.53(b))		Attorney Docket No. 0756-7228	
		First Inventor Junya MARUYAMA et al.	
		Title MANUFACTURING METHOD OF LIGHT EMITTING DEVICE AND MANUFACTURING DEVICE THEREOF	
		Express Mail Label No.	
APPLICATION ELEMENTS See MPEP chapter 600 concerning utility patent application contents.		ADDRESS TO: Commissioner for Patents Box Patent Application Washington, DC 20231	
<p>1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) (Submit an original and a duplicate for fee processing)</p> <p>2. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.</p> <p>3. <input checked="" type="checkbox"/> Specification [Total Pages 41] (preferred arrangement set forth below)</p> <ul style="list-style-type: none">- Descriptive title of the invention- Cross Reference to Related Applications (if applicable)- Statement Regarding Fed sponsored R & D (if applicable)- Reference to sequence listing, a table, or a computer program listing appendix (if applicable)- Background of the Invention- Brief Summary of the Invention- Brief Description of the Drawings (if filed)- Detailed Description- Claim(s)- Abstract of the Disclosure <p>4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) [Total Sheets 15]</p> <p>5. Oath or Declaration [Total Pages 5]</p> <p>a. <input checked="" type="checkbox"/> Newly executed (original or copy)</p> <p>b. <input type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional with Box 18 completed)</p> <p>i. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b)</p> <p>6. <input checked="" type="checkbox"/> Application Data Sheet. See 37 CFR 1.76</p>		<p>7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)</p> <p>8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)</p> <p>a. <input type="checkbox"/> Computer Readable Form (CRF)</p> <p>b. Specification Sequence Listing on:</p> <p>i. <input type="checkbox"/> CD-ROM or CD-R (2 copies; or</p> <p>ii. <input type="checkbox"/> paper</p> <p>c. <input type="checkbox"/> Statements verifying identity of above copies</p>	
ACCOMPANYING APPLICATION PARTS			
<p>9. <input checked="" type="checkbox"/> Assignment Papers (cover sheet & document(s))</p> <p>10. <input type="checkbox"/> 37 CFR 3.73(b) Statement <input type="checkbox"/> Power of Attorney (when there is an assignee)</p> <p>11. <input type="checkbox"/> English Translation Document (if applicable)</p> <p>12. <input checked="" type="checkbox"/> Information Disclosure <input checked="" type="checkbox"/> Copies of IDS Statement (IDS)/PTO-1449 Citations</p> <p>13. <input type="checkbox"/> Preliminary Amendment</p> <p>14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) (Should be specifically itemized)</p> <p>15. <input checked="" type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed) 2002-362352 filed 12/13/2002</p> <p>16. <input type="checkbox"/> Nonpublication request under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.</p> <p>17. <input type="checkbox"/> Other:</p>			
<p>18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:</p> <p><input type="checkbox"/> Continuation <input type="checkbox"/> Divisional <input type="checkbox"/> Continuation-in-part (CIP) of prior application No.:</p> <p>Prior application information: Examiner Group / Art Unit:</p> <p>For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation <u>can only</u> be relied upon when a portion has been inadvertently omitted from the submitted application parts.</p>			
19. CORRESPONDENCE ADDRESS			
<input checked="" type="checkbox"/> Customer Number or Bar Code Label		31780	
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Name (Print/Type)	Eric J. Robinson	Registration No. (Attorney/Agent)	38,285
Signature		Date	December 12, 2003

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日 本 国 特 許 庁
JAPAN PATENT OFFICE

別紙添付の書類に記載されている事項は下記の出願書類に記載されて
いる事項と同一であることを証明する。

This is to certify that the annexed is a true copy of the following application as filed
with this Office.

出 願 年 月 日 2 0 0 2 年 1 2 月 1 3 日
Date of Application:

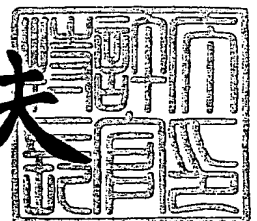
出 願 番 号 特 願 2 0 0 2 - 3 6 2 3 5 2
Application Number:
[ST. 10/C] : [J P 2 0 0 2 - 3 6 2 3 5 2]

願 人 株式会社半導体エネルギー研究所
Applicant(s):

2 0 0 3 年 1 0 月 2 8 日

特許庁長官
Commissioner,
Japan Patent Office

今 井 康 夫



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出証番号 出証特 2 0 0 3 - 3 0 8 8 9 5 9

【書類名】 特許願

【整理番号】 P006804

【提出日】 平成14年12月13日

【あて先】 特許庁長官 太田 信一郎 殿

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【氏名】 大野 由美子

【特許出願人】

【識別番号】 000153878

【氏名又は名称】 株式会社半導体エネルギー研究所

【代表者】 山崎 舜平

【手数料の表示】

【予納台帳番号】 002543

【納付金額】 21,000円

【提出物件の目録】

【物件名】 明細書 1

【物件名】 図面 1

【物件名】 要約書 1

【プルーフの要否】 要

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